

REMARKS

Reconsideration of the above-identified patent application in view of the present amendment and the following remarks is respectfully requested.

The Office Action of January 13, 2004 provisionally rejected claims 31-42 based on the doctrine of obviousness-type double patenting over claim 1 of application serial number 09/752,951 (now U.S. Patent No. 6,414,592) and over claim 10 of application serial number 09/753,290 (now U.S. Patent No. 6,441,728). The Office Action rejected claims 43-56 as anticipated under 35 U.S.C. §102(e) by McClelland, EP 1,026,015. Claims 1-25 and 27-41 were rejected as being obvious over Doerksen et al., U.S. Patent No. 4,816,802, in view of McClelland. Claims 7, 26, and 42 were rejected as being obvious over Doerksen et al., McClelland, and further in view of Mendez et al., U.S. Patent No. 5,612,671.

This amendment amends claims 15, 16, 21, 22, 25, 26, 32, 34-40, 42-46, 49, 50, 52, and 54. This amendment also cancels claims 1-14, 31, 41, 55, and 56, and adds new claims 57-64.

It is respectfully suggested that the amendment and cancellation of claims by this amendment renders the provisional double patenting rejections moot.

Claim 15 has been amended to recite that the second portion of the communication means is operatively connected to a vehicle condition sensor that is adapted to sense a condition of the vehicle. The second portion of the communication means communicates requests from the vehicle at a rate that varies in response to the sensed condition of the vehicle.

It is respectfully suggested that McClelland et al., Doerksen et al., and Mendez et al., whether taken singularly or in combination, fail to teach or suggest these features of claim 15. It is respectfully suggested that Doerksen et al. and Mendez et al. both fails to disclose a second portion of a communication means that is associated with the vehicle for communicating requests from the vehicle. McClelland et al. teaches a low frequency exciter associated with the vehicle for transmitting a low frequency activation signal to the tire. McClelland et al., however, fails to teach or suggest that the exciter is operatively connected to a vehicle condition sensor. McClelland et al. also fails to teach or suggest that the exciter provides activation signals from the vehicle at a rate that varies in response to a sensed condition of the vehicle. Mendez et al. teaches an inertia switch 34 that is actuated at a particular tire speed for causing the tire unit to transmit, but fails to teach or suggest any structure for varying a rate that requests are sent from the vehicle to the tire. Since none of McClelland et al., Doerksen et al., and Mendez et al. teaches or suggests these features of claim 15, a combination of the references also fails to teach or suggest these features. Therefore, allowance of claim 15 is respectfully requested.

Claims 16-30, 32-40, and 42 depend from claim 15 and are allowable for at least the same reasons as claim 15. Additionally, claims 16-30, 32-40, and 42 are allowable for the specific limitations of each claim.

Specifically, claim 25 recites means for updating stored identifications that includes means for monitoring the number of times an identification is received at the second portion of said communication means. None of McClelland et al., Doerksen

et al., and Mendez et al. teaches or suggests means for monitoring the number of times an identification is received at the portion of the communication means associated with the vehicle. McClelland et al. teaches that the identification may be a 32 bit signal but fails to monitor the number of times the identification is received at the vehicle. Since none of McClelland et al, Doerksen et al., and Mendez et al. teaches or suggests the features of claim 25, allowance of claim 25 is respectfully requested.

Claim 26 recites that the vehicle condition sensor senses a speed of the vehicle and that the second portion of the communication means utilizes vehicle speed to vary the rate that the requests are communicated. As set forth above, none of McClelland et al, Doerksen et al., and Mendez et al. teaches or suggests varying the rate at which requests are communicated. Therefore, none of the references teaches or suggests utilizes vehicle speed to vary the rate that the requests are communicated. Thus, allowable of claim 26 is respectfully requested.

Claim 43 recites a method of communicating tire condition information from a tire condition sensor unit to a vehicle-based unit of a tire communication system of a vehicle. Claim 43 is similar to claim 15 and is allowable for reasons similar to claim 15. Therefore, allowance of claim 43 is respectfully requested.

Claims 44-48 depend from claim 43 and are allowable for at least the same reasons as claim 43. Additionally, claims 44-48 are allowable for the specific limitations of each claim.

Specifically, claim 46 recites that the step of sensing a condition of the vehicle includes sensing vehicle speed and that the method further includes controlling the

step of outputting the low frequency signals for reception by the tire condition sensor unit in response to sensed vehicle speed. Claim 46 patentably defines over McClelland et al, Doerksen et al., and Mendez et al. for reasons similar to claim 26, discussed above. Therefore, allowance of claim 46 is respectfully requested.

Claim 49 recites a method of communicating tire condition information from a plurality of tire condition sensor units to a vehicle-based unit of a tire communication system of a vehicle. Claim 49 also patentably defines over McClelland et al, Doerksen et al., and Mendez et al. for reasons similar to those discussed above with regard to claim 15. Therefore, allowance of claim 49 is respectfully requested.

Claims 50-54 depend from claim 49 and are allowable for at least the same reasons as claim 49. Therefore, allowance of claims 50-54 is respectfully requested.

New claim 57 recites a tire condition communication system for a vehicle. The system comprises a tire based unit that includes sensor means for sensing a tire condition, radio frequency transmitter means that is operatively connected to the sensor means for transmitting a radio frequency signal that indicates the sensed tire condition, and low frequency receiver means that is operatively connected to the radio frequency transmitter means for receiving a low frequency initiation signal and for causing the radio frequency transmitter means to transmit the radio frequency signal indicative of the sensed tire condition in response to receipt of the low frequency initiation signal. The system also comprises a vehicle based unit that includes a vehicle condition sensor for sensing a condition of the vehicle, low frequency transmitter mean for transmitting low frequency initiation signals, and radio frequency receiver means for receiving the radio frequency signal indicative of the

sensed tire condition from the tire based unit. The low frequency transmitter means of the vehicle based unit transmits the low frequency initiation signals to the tire based unit at a rate that varies in response to the sensed condition of the vehicle.

New claim 57 patentably defines over McClelland et al, Doerksen et al., and Mendez et al. for reasons similar to claim 15. Specifically, none of McClelland et al, Doerksen et al., and Mendez et al. teaches or suggests low frequency transmitter means of a vehicle based unit that transmits low frequency initiation signals to the tire based unit at a rate that varies in response to a sensed condition of the vehicle. Therefore, allowance of claim 57 is respectfully requested.

New claims 58-64 depend from claim 57 and are allowable for at least the same reasons as claim 57. Additionally, claims 58-64 are allowable for the specific limitations of each claim.

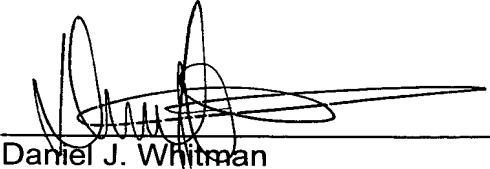
Specifically, claim 58 recites that the vehicle condition sensor is a vehicle speed sensor for sensing the speed of the vehicle. The low frequency transmitter means of the vehicle based unit transmits the low frequency initiation signals to the tire based unit at a rate that varies in response to the sensed vehicle speed.

Claim 58 patentably defines over McClelland et al, Doerksen et al., and Mendez et al. for reasons similar to claim 26. Therefore, allowance of claim 58 is respectfully requested.

In view of the foregoing, it is respectfully submitted that the above-identified patent application is in condition for allowance, and allowance of the above-identified patent application is respectfully requested.

Please charge any deficiency or credit any overpayment in the fees for this
amendment to our Deposit Account No. 20-0090.

Respectfully submitted,



Daniel J. Whitman
Reg. No. 43,987

TAROLLI, SUNDHEIM, COVELL,
& TUMMINO L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, Ohio 44114-1400
Phone:(216) 621-2234
Fax: (216) 621-4072
Customer No.: 26,294